

From: Chaplin, Jenny -HMT [GRO]
Sent: Wed 10/01/2024 7:52:44 AM (UTC)
To: Oliver Jones [GRO]; P.S Lord Chancellor [GRO]
Rob BRIGHTWELL (DBT) [GRO]; zz_Joshua SCOTT [GRO]
(DBT) [GRO]; Emily SNOW [GRO]
(DBT) [GRO]; James Nation [GRO]; Action
CST - HMT [GRO]; wmosserimarlio [GRO]
Minister HOLLINRAKE (DBT) [GRO]; Carl CRESWELL
(DBT) [GRO]; Lidington, Ed [GRO]
[GRO]; Emma
Churchill [GRO]; jack.cole [GRO]
Lucy Absolom [GRO]; Suzy Lally [GRO]; Geraint
Ellis [GRO]; josh.dodd [GRO]; Ciaran
Morrisey [GRO]
[GRO]
Cc: Secretary Of State BUSINESS AND TRADE (DBT) [GRO]
npark [GRO]; Brooks-White [GRO]
Malton, Charles - HMT [GRO]; Sarah
Barrett [GRO]; Chris James [GRO]; PSLAW Officers
(AGO) [GRO]; Cunningham,
Rupert [GRO]; Galley, Hannah [GRO]
Cook, Isobel - HMT [GRO]; Helen Kelly [GRO]; James
LOVESEY (DBT) [GRO]; Ciara LAWRENCE
(DBT) [GRO]; Sereine BARA
(DBT) [GRO]; Harry FALLOWFIELD
(DBT) [GRO]; Jones, Sean -
HMT [GRO]
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

Thanks Oliver. The CX and CST have agreed to DBT bringing forward legislation to speed up the overturning of convictions and to the introduction of minimum payments. We understand you are now specifically proposing to introduce a minimum payment of £75k on the GLO compensation scheme only, with further payments on the HSS to be considered at a later stage if they are needed. Approval is subject to the following conditions:

1. Access to reserve funding is subject to an assessment of need, realism and affordability at the time at which the funds are released. This means that any underspends will be used to offset any Reserve claims. HMT will also need to see evidence of DBT managing down pressures; using any unallocated provision; and reprioritising/making offsetting savings elsewhere in its budget before reserve access will be granted.
2. DBT should work with POL and MoJ to develop a delivery plan and provide greater clarity on the level and timing of costs. The timeline of this delivery plan must be agreed with HMT.
3. DBT must formally confirm funding requirements over those already requested for 2023-24 that need to be met at the Supplementary Estimates as soon as possible, where this cannot be met from underspends or reprioritisation and noting the need for taut and realistic estimates. Costs beyond this will be considered in the round at Supplementary Estimates in the relevant year, subject to the points made in condition a above.
4. DBT must ensure DBT's Principal Accounting Officer has received an AO assessment on these proposals and is content to agree them. The AO assessment should be shared with HMT.
5. DBT should provide HMT with regular management information and progress reporting (including on programme delivery and spend to date), timings and details of reporting to be agreed with HMT officials.
6. DBT and MOJ should explore all options to ensure compensation is effectively targeted at postmasters who have suffered a miscarriage of justice related to the Horizon IT scandal or where POL's 'onerous' contract with the Postmasters forced the Postmaster to criminal activity.
7. DBT should ensure legislation to overturn convictions includes provision for necessary powers for DBT to deliver compensation payments directly if they are not to be provided by POL.
8. DBT should work with HMT, Crown Commercial Service and Cabinet Office on maximising cost

recovery from Fujitsu by the Post Office and DBT if the Statutory Inquiry finds them to be liable. DBT must ensure that the use of any recovered funds is prioritised for compensating postmasters. Any other use of such income will be subject to agreement with the Treasury. Any legal action against Fujitsu must consider impacts on wider public sector contracts delivered by the company.

9. Any funding requirement requested by DBT should also take account of the tax implications of Government funding the Post Office, e.g., Corporation Tax.

10. All compensation schemes should ensure that they comply with the standards set out by the Counter Fraud Functional Standard, engaging with the Public Sector Fraud Authority as appropriate.

11. Recognising the position that further payments on the Horizon Shortfall Scheme should not be considered at this stage, DBT should nonetheless maintain an active review of the position in relation to the interaction with the £75k minimum payments on the GLO scheme and commit to providing HMT with regular updates given potential repercussive impacts. DBT should undertake scenario planning to ensure that any such future payments can be progressed at pace should they be deemed necessary.

Grateful for confirmation from DBT colleagues that they are content with these conditions.

Many thanks
Jenny



HM Treasury

Jenny Chaplin | Assistant Private Secretary to the Chancellor

GRO

1 Horse Guards Road, London, SW1A 2HQ

www.gov.uk/hm-treasury | Twitter: @hmtreasury

Find out more information about the [Chancellor](#) and [his office](#) - including document templates

From: Oliver Jones GRO
Sent: 09 January 2024 23:15
To: PS Lord Chancellor GRO; Rob BRIGHTWELL (DBT)
GRO; Joshua SCOTT (DBT) GRO; Emily
SNOW (DBT) GRO; James Nation GRO; Action CST - HMT
GRO; Will Mosseri-Marlio GRO; Minister HOLLINRAKE
(DBT) GRO; Carl CRESWELL (DBT) GRO
Lidington, Ed | GRO; Emma Churchill GRO
jack.cole GRO; Lucy Absolom GRO; Suzy Lally
GRO; Geraint Ellis GRO; josh.dodd GRO; Ciaran
Morrisey GRO
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) GRO; Nick Park
GRO; Brooks-White Jobshare GRO; Malton, Charles - HMT
GRO; Chaplin, Jenny -HMT GRO; Sarah Barrett
GRO; Chris James GRO; PSLAW Officers (AGO)
GRO; Cunningham, Rupert GRO; Galley,
Hannah GRO; Cook, Isobel - HMT GRO; Helen Kelly
GRO; James LOVESEY (DBT) GRO; Ciara LAWRENCE (DBT)
GRO; Sereine BARA (DBT) GRO; Harry
FALLOWFIELD (DBT) GRO
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL-SENSITIVE

Hi all,

A final addition: the PM was content with Minister Hollinrake's recommendation to set the minimum payment for the GLO cohort at £75k.

Jenny – you'll confirm CX approval and conditions overnight.

Kind regards,
Oliver

OFFICIAL-SENSITIVE

From: Oliver Jones

Sent: Tuesday, January 9, 2024 10:05 PM

To: PS Lord Chancellor [GRO]; Rob BRIGHTWELL (DBT)
[GRO]; Joshua SCOTT (DBT); [GRO]; Emily SNOW (DBT); [GRO]; James Nation [GRO]; HMT SpAds [GRO]; Will Mosseri-Marlio [GRO]; Minister HOLLINRAKE (DBT)
[GRO]; Carl CRESWELL (DBT); [GRO]; Lidington, Ed [GRO]; Emma Churchill [GRO]
[GRO]; Lucy Absolom [GRO]; Suzy Lally [GRO]; Geraint Ellis [GRO]; Josh Dodd [GRO]; Ciaran Morrissey [GRO]; Permanent Secretary [GRO]
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) [GRO]; Nick Park [GRO]; Brooks-White Jobshare [GRO]; Malton, Charles - HMT [GRO]; Chaplin, Jenny -HMT [GRO]; Sarah Barrett [GRO]; Chris James [GRO]; PSLAW Officers (AGO) [GRO]; Cunningham, Rupert [GRO]; Galley, Hannah [GRO]; Cook, Isobel - HMT [GRO]; Helen Kelly [GRO]; James LOVESEY (DBT) [GRO]; Ciara LAWRENCE (DBT) [GRO]; Sereine BARA (DBT) [GRO]; Harry FALLOWFIELD (DBT) [GRO]

Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL – SENSITIVE

Hi Ben, all,

Thank you for the advice and recommended approach from the Lord Chancellor and Minister Hollinrake. The PM is content to proceed with an announcement on blanket quashing of convictions, but, per the Lord Chancellor's advice, carving out the [7] cases whose convictions were upheld in the Court of Appeal. The PM would like further advice on this group, and also the approach for others who went through the CoA. Ed L – you're in touch with Sarah.

We will be in touch overnight on next steps on collective agreement.

And finally, a reminder on information security. Can everyone please keep on tight loop according to departmental info security arrangements.

Kind regards,
Oliver

From: PS Lord Chancellor <[GRO]>
Sent: Tuesday, January 9, 2024 9:54 PM
To: Rob BRIGHTWELL (DBT) <[GRO]>; Joshua SCOTT (DBT) <[GRO]>; Oliver Jones <[GRO]>; PS Lord Chancellor <[GRO]>; James Nation <[GRO]>; HMT SpAds <[GRO]>; Will Mosseri-Marlio <[GRO]>; Minister HOLLINRAKE (DBT) <[GRO]>; Carl CRESWELL (DBT) <[GRO]>; Lidington, Ed | <[GRO]>; Emma Churchill <[GRO]>; Lucy Absolom <[GRO]>; Suzy Lally <[GRO]>; Geraint Ellis <[GRO]>; Josh Dodd <[GRO]>; Ciaran Morrissey <[GRO]>; Permanent Secretary <[GRO]>
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) <[GRO]>; Nick Park <[GRO]>; Brooks-White <[GRO]>; Malton, Charles - HMT <[GRO]>; Chaplin, Jenny -HMT <[GRO]>; Sarah Barrett <[GRO]>; Chris James <[GRO]>; PSLAW Officers (AGO) <[GRO]>; Cunningham, Rupert <[GRO]>; Galley, Hannah <[GRO]>; Cook, Isobel - HMT <[GRO]>; Helen Kelly <[GRO]>; James LOVESEY (DBT) <[GRO]>; Ciara LAWRENCE (DBT) <[GRO]>; Sereine BARA (DBT) <[GRO]>; Harry FALLOWFIELD (DBT) <[GRO]>
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

Thanks very much Rob. From MoJ's perspective we agree that Minister Hollinrake will be delivering the oral statement so it is right that you've written it from that perspective.

Sarah we spoke, but just for the benefit of the chain and to reiterate the points that were made on ownership yesterday, MoJ's strong position is that while we are more than happy to support on this issue as much as we can, the policy responsibility, underpinning legislative ownership and any actions responsible for securing collective agreement on it (including PO-PO agreement) will be led by and owned by DBT. We will follow up with a PPS/PPS letter setting out further detail on this position tomorrow, but given wider discussions about Departmental ownership are still ongoing I thought it would be helpful to clarify ahead of any decisions first thing in the morning.

Thanks,
Ben



Ministry
of Justice

Benjamin Moore

Deputy Principal Private Secretary to the Lord Chancellor and Secretary of State for Justice

[GRO]

9th Floor, 102 Petty France, London

From: Rob BRIGHTWELL (DBT)

[GRO]

Sent: 09 January 2024 20:43

To: Joshua SCOTT (DBT)

GRO

; Emily SNOW (DBT)

GRO

>; Oliver Jones

GRO

>; PS Lord Chancellor

GRO

>; James Nation

GRO

HMT SpAds

GRO

wmosserimarlio

GRO

>; Minister HOLLINRAKE (DBT)

GRO

>; Carl CRESWELL (DBT)

GRO

Lidington,

Ed

GRO

Emma Churchill

GRO

GRO

Lucy Absolom

GRO

>; Suzy Lally

GRO

>; Geraint Ellis

GRO

Cc: Secretary Of State INTERNATIONAL TRADE (DBT)

GRO

; npark

GRO

>; Brooks-White

GRO

Malton, Charles - HMT

GRO

Chaplin, Jenny -HMT

GRO

Sarah Barrett

GRO

>; Chris James

GRO

>; PSLAW Officers (AGO)

GRO

>; Cunningham, Rupert

GRO

Galley,

Hannah

GRO

>; Cook, Isobel - HMT

GRO

>; Helen Kelly

GRO

>; James LOVESEY (DBT)

GRO

>; Ciara LAWRENCE (DBT)

GRO

>; Sereine BARA (DBT)

GRO

>; Harry

FALLOWFIELD (DBT)

GRO

Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL-SENSITIVE

Evening all!

I attach a first draft of a speaking note for tomorrow's oral statement. So far it only covers the overturning of convictions, as that's the trickiest bit involving most colleagues. I shall now turn my mind to what we can say about the GLO points.

The note reflects Ministers' concern that we should, so far as possible, "bind in" all parties in the House to accepting the risks of the solution

I've written this on the assumption that Minister Hollinrake will speak. I believe Private Offices are discussing that. If the decision is that it should instead be the LC, I'm sure the text can easily be adapted.

Sharepoint version attached for DBT colleagues: doc version for others.

I haven't had the chance to look at any emails since the start of this evening's meeting with the LC. If I've missed relevant points which have emerged since, I apologise: please let me know.

Rob

PLEASE NOTE THAT MY EMAIL ADDRESS HAS CHANGED!



Department for
Business & Trade

Rob Brightwell | Deputy Director, Post Office Policy team

Department for Business and Trade | Caxton House, Tothill Street, London SW1H
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Tel:

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| E-mail

GRO

PA Charlotte Pearson

GRO

GRO

OFFICIAL-SENSITIVE

From: Joshua SCOTT (DBT) GRO
Sent: Tuesday, January 9, 2024 7:48 PM
To: Emily SNOW GRO; Oliver Jones GRO PS Lord
Chancellor < GRO >; Rob BRIGHTWELL (DBT)
GRO; James Nation GRO HMT SpAds
GRO; wmosserimarlio GRO; Minister HOLLINRAKE (DBT)
GRO; Carl CRESWELL (DBT) GRO; Lidington,
Ed GRO; Emma Churchill GRO
GRO Lucy Absolom GRO; Suzy Lally
GRO Geraint Ellis GRO
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) GRO; npark
GRO; Brooks-White GRO; Malton, Charles - HMT
GRO; Chaplin, Jenny -HMT GRO; Sarah Barrett
GRO; Chris James GRO; PSLAW Officers (AGO)
GRO; Cunningham, Rupert GRO; Galley,
Hannah GRO; Cook, Isobel - HMT GRO; Helen Kelly
GRO; James LOVESEY (DBT) GRO; Ciara LAWRENCE (DBT)
GRO; Sereine BARA (DBT) GRO; Harry
FALLOWFIELD (DBT) GRO
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL-SENSITIVE

Hi Oliver,

Apologies we had spotted an error in the document re the analysis for the £75k and net cost.

This has now been corrected.

Many thanks,

Josh

Joshua Scott | Head of Post Office GLO Compensation | Business Resilience

Department for Business and Trade | Tel: GRO E-mail: GRO

OFFICIAL-SENSITIVE

From: Emily SNOW (DBT) GRO < >
Sent: Tuesday, January 9, 2024 7:10 PM
To: Oliver Jones GRO; PS Lord Chancellor GRO; Rob BRIGHTWELL
(DBT) GRO; James Nation GRO HMT SpAds
GRO; wmosserimarlio GRO; Minister HOLLINRAKE (DBT)
GRO; Carl CRESWELL (DBT) GRO; Lidington,
Ed GRO; Emma Churchill GRO
GRO Lucy Absolom GRO; Suzy Lally
GRO Geraint Ellis GRO
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) GRO; npark
GRO; Brooks-White GRO; Malton, Charles - HMT
GRO; Chaplin, Jenny -HMT GRO; Sarah Barrett

GRO ; Chris James GRO ; PSLAW Officers (AGO)
GRO ; Cunningham, Rupert GRO Galley,
Hannah GRO ; Cook, Isobel - HMT GRO Helen Kelly
GRO ; Joshua SCOTT (DBT) GRO ; James LOVESEY (DBT)
GRO ; Ciara LAWRENCE (DBT) GRO ;
Sereine BARA (DBT) GRO ; Harry FALLOWFIELD (DBT)
GRO

Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

Hi Oliver,

Please find the return for the list of Qs below, with thanks to team.

Many thanks,
Emily

Emily Snow | Post Office Compensation | Business Resilience

Department for Business and Trade | Tel: GRO | E-mail: GRO

Please note my new email address.

From: Oliver Jones GRO

Sent: Tuesday, January 9, 2024 5:42 PM

To: PS Lord Chancellor GRO ; Rob BRIGHTWELL (DBT)

GRO James Nation GRO ; HMT SpAds

GRO ; wmosserimarlio GRO ; Minister HOLLINRAKE (DBT)

GRO ; Carl CRESWELL (DBT) GRO Lidington,

Ed GRO ; Emma Churchill GRO

GRO Lucy Absolom GRO ; Suzy Lally

GRO Emily SNOW (DBT) GRO ; Geraint Ellis

GRO
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) GRO ; npark

GRO ; Brooks-White GRO Malton, Charles - HMT

GRO ; Chaplin, Jenny -HMT GRO ; Sarah Barrett

GRO ; Chris James GRO PSLAW Officers (AGO)

GRO ; Cunningham, Rupert GRO Galley,

Hannah GRO ; Cook, Isobel - HMT GRO Helen Kelly

GRO

Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL

Hi Ben, Jamie,

Thanks for the engagement.

Ben – to recap, we’re expecting from MoJ two things for **1815** – the next window for the PM to review:

- Readout of the meeting between LC and Minister Hollinrake.
- The advice which went to the LC.

Jamie – thanks to you and team for the detail on cohorts and schemes.

Could we please urgently have some further stats (which the PM asked the minister for directly):

- [Top priority] Average payment for GLO cohort, the number of awards we can expect to settle at £50k and

75k, why the department is in favour of 75k instead of 50k, and the percentage of HSS/GLO awards that are very low (i.e. less than 5k).

- for each cohort, what is the total number of postmasters, # and % who have received interim and final payments, and the average award. Can we have this in table form (per below)?
- Why are only 484 of the 555 GLO cohort eligible for compensation? Why have only 474 of 484 received their interim payment?
- What does the 64% figure refer to (The latest report shows that as of 1 December over 64% of eligible postmasters have received compensation)?
- What is the composition of the independent assessment panels for GLO and HSS schemes?
- What was the first date wrongdoing 'came to light'? When did the PO first admit guilt?
- What is the average payment to people across all three compensation schemes (i.e. the £148m paid to 2,700 (what's the exact number)?

Kind regards,
Oliver

Cohort	Interim		Final – offered		Final – settled/paid		Avg payment £
Description / total #	Number	%	Number	%	Number	%	

OFFICIAL

From: PS Lord Chancellor GRO
Sent: Tuesday, January 9, 2024 1:17 PM
To: Rob BRIGHTWELL (DBT) GRO; Oliver Jones GRO; PS Lord Chancellor GRO; James Nation GRO; HMT SpAds GRO; Will Mosseri-Marlio GRO; Minister HOLLINRAKE (DBT) GRO; Carl CRESWELL (DBT) GRO; Lidington, Ed | GRO; Emma Churchill GRO; Lucy Absolom GRO; Suzy Lally GRO; Emily SNOW (DBT) GRO
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) GRO; Nick Park GRO; Brooks-White GRO; Malton, Charles - HMT GRO; Chaplin, Jenny -HMT GRO; Sarah Barrett GRO; Chris James GRO; PSLAW Officers (AGO) GRO; Cunningham, Rupert GRO; Galley, Hannah GRO; Cook, Isobel - HMT GRO; Helen Kelly GRO
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL

Hi Oliver, Sarah

I just wanted to make you aware of the attached correspondence we've received this afternoon (via DBT) from Peters and Peters. As you can see, among other issues their key assessment is that it is likely that the vast majority of people who have not yet appealed their conviction were in fact guilty and safely convicted. Of course we will need to test the validity of this, including what evidence they are using to come to that conclusion, but given the obvious material risks that this information has on a policy of mass exoneration the Lord Chancellor is particularly keen that i) this is shared with the political team in Number 10 so that they are aware of the risk and ii) we engage properly with Peters and Peters before moving forward with any further action this afternoon to test their position and are fully across any related risks before making a decision on the best policy.

I understand that a call is being set up with DBT/MoJ officials and Peters and Peters shortly, and while the Lord Chancellor understands the need to move quickly with this he would like a further update following that call to understand the validity of the position from Peters and Peters. I would be grateful if DBT/MoJ officials could revert back with a further update following that discussion.

Thanks,
Ben



Ministry
of Justice

Benjamin Moore

Deputy Principal Private Secretary to the Lord Chancellor and Secretary of
State for Justice

GRO

9th Floor, 102 Petty France, London

OFFICIAL

From: Rob BRIGHTWELL (DBT)

GRO

Sent: 09 January 2024 12:13

To: Oliver Jones

GRO

; PS Lord Chancellor

GRO

; James Nation

GRO

>; HMT SpAds

GRO

>; wmosserimarlio

GRO

Minister HOLLINRAKE (DBT)

GRO

Carl

CRESWELL (DBT)

GRO

>; Lidington, Ed

GRO

Emma Churchill

GRO

Lucy Absolom

GRO

>; Suzy Lally

GRO

>; Emily SNOW (DBT)

GRO

Cc: Secretary Of State INTERNATIONAL TRADE (DBT)

GRO

>; npark

GRO

>; Brooks-White

GRO

Malton, Charles - HMT

GRO

Chaplin, Jenny -HMT

GRO

Sarah Barrett

GRO

>; Chris Jame

GRO

>; PSLAW Officers (AGO)

GRO

>; Rushton, Sally

GRO

Cunningham, Rupert

>; Galley, Hannah

GRO

Cook, Isobel - HMT

GRO

>; Helen Kelly

GRO

>

Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

Oliver

The Advisory Board's focus is a pro bono group meeting every six weeks to advise DBT Ministers on delivering fair compensation outcomes. It does not have the capacity to develop policy, nor the expertise in financial management which would be required for it to generate a recommendation in respect of the admin of the scheme. However we will, as a matter of course, consult them on how the scheme should be run.

On the stakeholder handling plan, we assume that policy changes will be heavily trailed by the PM tomorrow with the big picture announced to the House by Minister Hollinrake tomorrow or Thursday.

- He has already been informally engaging Lord Arbutnot and Kevan Jones MP.
- We will recommend that he attends a pre-planned meeting of Horizon Compensation Advisory Board Weds PM.
- We will also recommend that he calls Alan Bates before the formal announcement.
- The other key campaigners have been journalists: probably too soon to do interviews with the specialists (Witherow, Flinders, Wallis) who can go with our normal media briefing.
- He may also wish to call his predecessor Paul Scully, whose stance has been supportive.
- Post Office policy is reserved, so there is no need for him to call the DAs. Justice policy is devolved: MoJ colleagues will want to advise on contacts with Scottish and NI administrations.

I attach flow charts on the detail on the "customer experience" of the different cohorts of postmasters. Very grateful to @Emily SNOW (DBT) and colleagues for their work on this.

Rob

PLEASE NOTE THAT MY EMAIL ADDRESS HAS CHANGED!



Department for
Business & Trade

Rob Brightwell | Deputy Director, Post Office Policy team
Department for Business and Trade | Caxton House, Tothill Street, London SW1H
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Tel: GRO E-mail: GRO

PA Charlotte Pearson GRO GRO

From: Oliver Jones GRO
Sent: Tuesday, January 9, 2024 9:52 AM
To: PS Lord Chancellor GRO; James Nation GRO; Rob BRIGHTWELL (DBT) GRO; HMT SpAds GRO; wmosserimarlio GRO; Minister HOLLINRAKE (DBT) GRO; Carl CRESWELL (DBT) GRO; Lidington, Ed GRO; Emma Churchill GRO; Lucy Absolom GRO; Suzy Lally GRO
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) GRO; npark GRO; Brooks-White GRO; Malton, Charles - HMT GRO; Chaplin, Jenny -HMT GRO; Sarah Barrett GRO; Chris James GRO; PSLAW Officers (AGO) GRO; Rushton, Sally - Justice (OFF-SEN) GRO

Cunningham, Rupert <[REDACTED]>; Galley, Hannah <[REDACTED]>; Cook, Isobel - HMT <[REDACTED]>; Helen Kelly <[REDACTED]>
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal
Importance: High

OFFICIAL

Hi Susannah, Jamie, Jenny,

As discussed, our ambition is to announce a policy response on Horizon/postmasters this evening and into tomorrow.

Can we please have the follow for midday today:

- MoJ – one doc covering:
 - Policy summary, incl. detail on territorial extent.
 - Response to policy design questions sent last night.
 - Stakeholder handling plan for LC, including judiciary, former LCs, etc.
- DBT – one doc covering:
 - View on whether we should ask the Advisory Board to provide the government with a recommendation regarding the administration of the OC scheme given the increase in demand this Bill will generate.
 - Stakeholder handling plan for Minister Hollinrake, including former Postal Affairs ministers, campaigners, DAs.
- DBT: Standalone document with further detail for the PM on experience of different postmaster cohorts through different schemes.
- MoJ and DBT: Input into draft press notice, working with @Suzy Lally in No10 comms.
- Treasury: CX/CST view on costings and comfort on costs.
- CO: Plan for Collective Agreement. @Will Mosseri-Marlio you're picking up with @jack.cole; [REDACTED]
- CO: Update on procurement issue from yesterday. Copying @Lucy Absolom

Kind regards,
Oliver

OFFICIAL

From: PS Lord Chancellor <[REDACTED]>
Sent: Monday, January 8, 2024 6:07 PM
To: James Nation <[REDACTED]>; Rob BRIGHTWELL (DBT) <[REDACTED]>; HMT SpAds <[REDACTED]>; PS Lord Chancellor <[REDACTED]>; Will Mosseri-Marlio <[REDACTED]>; Oliver Jones <[REDACTED]>; Minister HOLLINRAKE (DBT) <[REDACTED]>; Carl CRESWELL (DBT) <[REDACTED]>; Lidington, Ed <[REDACTED]>
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) <[REDACTED]>; Nick Park <[REDACTED]>; Brooks-White <[REDACTED]>; Malton, Charles - HMT <[REDACTED]>; Chaplin, Jenny -HMT <[REDACTED]>; Sarah Barrett <[REDACTED]>; Chris James <[REDACTED]>; PSLAW Officers (AGO) <[REDACTED]>; Rushton, Sally - Justice (OFF-SEN) <[REDACTED]>; Cunningham, Rupert <[REDACTED]>; Galley, Hannah <[REDACTED]>; Cook, Isobel - HMT <[REDACTED]>
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL

Hi all,

Please see our **MoJ policy line** as follows:

We will introduce legislation to overturn convictions that were reliant on erroneous evidence and the egregious behaviour of the Post Office in the period in question. We are urgently working on the detail including how to handle the small number of convictions where there was genuine wrongdoing. Further details will be announced in due course.

Please also see below the **readout** following the LC's meeting with the LCJ.

Attendees: LC; LJC; Terry McGuinness; Andrew Key; Ed Lidington; Naomi Mallick; Sally Rushton; Hannah Galley; Joanna McCloskey; Samuel Hardy

Actions:

- With respect to the four upheld conviction cases, @Lidington, Ed **GRO** to investigate options (particularly regarding the second option) further.

Option 1:

- The LC discussed the option of removing a private prosecution (in this case the Post Office) and replacing with this with the CPS. CPS would then have to consider each case on an individual basis which would likely take a very long time and the AG says the CPS don't have capacity. The LC added that anything prosecuted by the Post Office could be considered prima facie and abuse.
- The LCJ noted this would be fraught with difficulties and didn't sound very principled. Both her and the LC agreed that this option may invite litigation.

Option 2:

- The LC discussed a second (recommended) option which would allow parliament to introduce a short bill to quash all convictions within a certain time frame. For transparency, individuals would have to sign a disclaimer to seek compensation. The LCJ felt this option would be cleaner and quicker but noted the risk of setting a precedent and that a small number of people would escape proper prosecution. Most crucially, this option presents serious questions on the four previously upheld convictions. It would be extremely difficult constitutionally to legislate to overturn cases where the court upheld the conviction.

Judicial Independence:

- The LCJ said that both options heavily impinge on the judiciary. Should parliament legislate in quashing convictions (option 2), the currency of the court may be weakened.
- The LCJ was keen to affirm that there has not been a delay in the judicial process throughout. E.g. Horizon cases are not new and that civil litigation has been ongoing since 2015/6, with some cases still in review.
- In this vein, the LCJ suggested a third option, in which the Court of Appeal continue to review cases on an individual basis, and redoubling efforts to encourage people who haven't engaged in the system previously to come forward. On this third option, the LC noted considerable concerns with regards to the wellbeing of those affected, and that they may already be too disillusioned to reach out.

Decision:

- Crucially, the LCJ did not outright reject or oppose any options but noted we have a considerable issue with respect to the four upheld cases. She reinforced her opinion of Option 2 (clearing convictions) as the 'cleanest' (the four difficult upheld cases aside) and the first option as the most problematic.

Many thanks,
Jo



Joanna McCloskey

Deputy Private Secretary to the Lord Chancellor and Secretary of State for Justice

102 Petty France, GRO Westminster, London, SW1H 9AJ

Mobile number - GRO

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OFFICIAL

From: James Nation, GRO

Sent: Monday, January 8, 2024 04:50 PM

To: Rob BRIGHTWELL (DBT), GRO; HMT SpAds

GRO; PS Lord Chancellor, GRO; Will Mosseri-

Marlic, GRO; Oliver Jones, GRO; Minister HOLLINRAKE (DBT)

GRO; Carl CRESWELL (DBT), GRO

McCloskey, Joanna | GRO

Cc: Secretary Of State INTERNATIONAL TRADE (DBT), GRO; Nick Park

GRO; Brooks-White, GRO; Malton, Charles -

HMT, GRO; Chaplin, Jenny -HMT, GRO

Sarah Barrett, GRO; Chris James, GRO; PSLAW Officers (AGO)

GRO; Lidington, Ed | GRO

Rushton, Sally | GRO; Cunningham, Rupert, GRO

Galley, Hannah, GRO; Cook, Isobel - HMT, GRO

Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL

Are HMT and MoJ colleagues happy with these?

Thanks,

J

OFFICIAL

From: Rob BRIGHTWELL (DBT), GRO

Sent: Monday, January 8, 2024 3:54 PM

To: HMT SpAds [GRO]; PS Lord Chancellor [GRO]
Will Mosseri-Marlio [GRO]; Oliver Jones [GRO]; Minister
HOLLINRAKE (DBT) [GRO]; Carl CRESWELL (DBT)
[GRO]; McCloskey, Joanna [GRO]
[GRO]
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) [GRO]; Nick Park
[GRO]; Brooks-White [GRO]; Malton, Charles -
HMT [GRO]; Chaplin, Jenny -HMT [GRO]
James Nation [GRO]; Sarah Barrett [GRO]; Chris James
[GRO]; PSLAW Officers (AGO) [GRO]; Lidington, Ed I
[GRO]; Rushton, Sally - Justice (OFF-SEN) [GRO]
Cunningham, Rupert [GRO]; Galley, Hannah
[GRO]; Cook, Isobel - HMT [GRO]
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL

Hi all

In the light of this afternoon's meeting, below is a write-up of the lines which the Minister laid out for this afternoon's statement. We will need to merge it with some additional contextual material which colleagues here had already prepared. I would welcome comments.

Apologies to those who have already received this on another chain.

Draft statement by Minister Hollinrake 8 Jan 2024


POST OFFICE HORIZON

1. I'm very glad that last week's ITV drama about the Post Office has brought an understanding of the Horizon scandal to a much broader audience. Those of us who have been campaigning on the issue for some years were already well aware of what happened. Watching the programmes has reinforced our zeal for seeing justice done as quickly as possible.
2. We are already a long way down that road. Sir Wyn Williams's inquiry is doing great work in exposing what went wrong. And full compensation has already been paid to 64% of those affected.
3. I have previously said to the House that my main concern now is the slow pace at which criminal convictions related to Horizon are being overturned by the Courts. Before Christmas the Advisory Board published a letter which underlined that.
4. This is not just a matter of getting justice for those wrongly convicted. Overturning their convictions will also unlock compensation. Each person whose conviction is overturned is entitled to an interim compensation payment of £163,000. They can then choose whether to have their compensation individually assessed or to accept an up-front offer of £600,000. That offer is already speeding along compensation for a number of people.
5. In the light of the Advisory Board's letter about overturning convictions I have spoken to RH gent for Durham North and to Lord Arbuthnot. I'm very grateful for the work which they and their colleagues are doing. I have also had a very positive meeting this afternoon with my RHF the Lord Chancellor this afternoon. All of us on these benches – and across the House – are united in our desire to see justice done.
6. We have devised some options for resolving the outstanding criminal convictions much more quickly. My RHF the Lord Chancellor will, quite rightly, need to speak to senior figures in the judiciary

- about those options before we put them forward.
7. But I am confident that we shall be able to implement measures which address the concerns expressed by the Advisory Board. I hope to be able to bring these to the House later this week.
8. On a slightly separate note, there is clearly great concern about the role of the Post Office in prosecuting these cases. The Post Office quite rightly decided to stop undertaking its own prosecutions some years ago.
9. Any company can bring private prosecutions in this way: this is not a special power of the Post Office. If we are to make sure that a scandal like this can never happen again, we need to look at the way in which private prosecutions in general are undertaken, and not just at the Post Office. I know that my RHF the Lord Chancellor wants to do that. He intends to report to the House about this issue in due course.
10. Getting justice for these people – and ensuring that such injustice can never happen again – is my highest priority as a Minister. I assure the House that we will do all we can to secure it.

Rob

PLEASE NOTE THAT MY EMAIL ADDRESS HAS CHANGED!



Department for
Business & Trade

Rob Brightwell | Deputy Director, Post Office Policy team
Department for Business and Trade | Caxton House, Tothill Street,
London SW1H 9NA
Tel: **GRO** | E-mail: **GRO**

PA Charlotte Pearson | **GRO**
GRO

OFFICIAL

From: Action CST - HMT **GRO**
Sent: Monday, January 8, 2024 5:28 PM
To: PS Lord Chancellor **GRO** >: wmosserimarlio
GRO >: Oliver Jones **GRO** >: Minister HOLLINRAKE (DBT)
GRO Rob BRIGHTWELL (DBT)
GRO >: Carl CRESWELL (DBT)
GRO McCloskey, Joanna **GRO**
GRO Action CST - HMT **GRO**
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) **GRO** >: npark
GRO Brooks-White **GRO** >: Malton, Charles -
HMT **GRO** >: Chaplin, Jenny -HMT < **GRO**
James Nation **GRO** >: Sarah Barrett **GRO** >: Chris James
GRO >: PSLAW Officers (AGO) < **GRO** >: Lidington, Ed |

[REDACTED] GRO; Rushton, Sally [REDACTED] GRO; Cunningham, Rupert [REDACTED] GRO; Galley, Hannah [REDACTED] GRO; Cook, Isobel - HMT [REDACTED] GRO

Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

Copying in Isobel Cook

From: PS Lord Chancellor [REDACTED] GRO
Sent: 08 January 2024 15:22
To: 'Will Mosseri-Marlio [REDACTED] GRO; Oliver Jones [REDACTED] GRO Minister HOLLINRAKE (DBT) [REDACTED] GRO; Rob BRIGHTWELL (DBT) [REDACTED] GRO; Carl CRESWELL (DBT) [REDACTED] GRO; McCloskey, Joanna [REDACTED] GRO; Action CST - HMT [REDACTED] GRO; Nick Park [REDACTED] GRO; Brooks-White [REDACTED] GRO; Malton, Charles - HMT [REDACTED] GRO; Chaplin, Jenny -HMT [REDACTED] GRO; James Nation [REDACTED] GRO; Sarah Barrett [REDACTED] GRO; Chris James [REDACTED] GRO; PSLAW Officers (AGO) [REDACTED] GRO; Lidington, Ed [REDACTED] GRO; Rushton, Sally [REDACTED] GRO; Cunningham, Rupert [REDACTED] GRO; Galley, Hannah [REDACTED] GRO

Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

Hi all,

Many thanks to your ministers and officials for coming to the meeting earlier.

Below I have set out the current state of play:

Policy proposal: The proposal decided upon is that we announce that all convictions related to the Post Office Horizon scandal (exact scope TBC) are deemed unsafe and therefore will be quashed through primary legislation.

As per the current rules around compensation, those whose convictions will be quashed will be eligible for compensation and will be required to confirm their innocence in writing in advance of receiving compensation.

Next steps:

@Minister HOLLINRAKE (DBT) DBT parliamentary team to work with the Leaders Office and Parliamentary Counsel to see if there is way for any legislation to be crafted such that it does not become a hybrid bill, and to provide an update on how soon any legislation could be brought forward and passed;

@Minister HOLLINRAKE (DBT) to share the draft statement Minister Hollinrake will be making this afternoon;

@PS Lord Chancellor (us) to update post 16:30 on the call with the Lady Chief Justice;

@Minister HOLLINRAKE (DBT) to provide details of the total of number of people who would be covered by the above policy proposal, the estimated cost, and timescale over which that would materialise (this was the request from the CST @Action.CST)

Very happy to discuss – hopefully this is helpful. I also have the cast list of who was at the meeting earlier – if anyone would like this please let me know.

I am handing this over now to my colleague @McCloskey, Joanna **GRO** who normally leads on this area.

Many thanks



Ministry
of Justice

Susannah Keogh
**Private Secretary to the Lord Chancellor and Secretary of
State for Justice**
Mobile **GRO**
9th floor, 102 Petty France, SW1H 9AJ

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Unless specifically stated, I do not expect a response out of hours.*

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From: Will Mosseri-Marlio **GRO**
Sent: Monday, January 8, 2024 11:48 AM
To: Oliver Jones **GRO**; Minister HOLLINRAKE (DBT)
GRO; Rob BRIGHTWELL (DBT)
GRO; Carl CRESWELL (DBT)
GRO
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) **GRO**; Nick Park
GRO; Brooks-White **GRO**; Malton, Charles -
HMT **GRO**; Chaplin, Jenny -HMT **GRO**; PS
Lord Chancellor **GRO**; James Nation **GRO**; Sarah Barrett
GRO; Chris James **GRO**
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL

Thanks Oliver.

Please could I add a further question for DBT onto the below.

Given postmasters' distrust of POL, on the face of it there is a case for asking the department to take on responsibility for the administration of the HSS and overturned convictions compensation scheme. Has the department considered the feasibility of this? And if so, what would the impact be on the administration of these schemes?

Will

Will Mosseri-Marlio | Policy Unit | Prime Minister's Office | 10 Downing Street **GRO**
GRO **GRO**

OFFICIAL

From: Oliver Jones [GRO]
Sent: Monday, January 8, 2024 11:11 AM
To: Minister HOLLINRAKE (DBT) [GRO]; Will Mosseri-Marlio [GRO]; Rob BRIGHTWELL (DBT) [GRO]; Carl CRESWELL (DBT) [GRO]
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) [GRO]; Nick Park [GRO]; Brooks-White [GRO]; Malton, Charles - HMT [GRO]; Chaplin, Jenny -HMT [GRO]; James Nation [GRO]; Sarah Barrett [GRO]; Chris James [GRO]
Subject: RE: [12.00 Friday] Update on the Horizon IT scandal

OFFICIAL

Jamie,

Many thanks for this note. We've discussed with a few colleagues this morning. Conscious a lot of work is already underway on options, and Minister Hollinrake, the Lord Chancellor, AG and CST are meeting over lunchtime. But to confirm, by **17.00 this afternoon** please could we ask for you to work with MoJ and HMT to develop the following:

1. Advice from **MoJ and DBT** on whether we should overturn all Horizon-related convictions. This note should include advice on the legislative vehicle, whether we would need to design a filtering process to ensure rightly convicted postmasters are not exonerated, and whether a blanket process would ensure eligible for the existing OC compensation scheme [Note – this builds on the ask from Sarah Barrett yesterday evening].
2. Advice from **HMT** on the fiscal impact of overturning (all vehicles) and we would be comfortable taking on these costs. It would be great to highlight any potential interdependency with Infected Blood.
3. Advice from **HMT and DBT** on whether we should introduce a minimum £75k payment for the GLO cohort, and whether this policy would sufficiently answer the question about the pace of compensation the CX raised over the weekend.

We've now had through 3 UQs on Horizon. Our view is Minister Hollinrake should make a statement to the House this afternoon (understand that's your emerging preference too). **We would be grateful if you could share a draft statement by 14.00.** It should be developed on the basis of the lines we were deploying over the weekend, but we can drop in more forward-leaning language (and e.g. updates on the Forfeiture Committee process) over the course of the afternoon if we have nailed down policy.

Jamie – I tried calling quickly. If you have a sec, would you mind calling back on [GRO]

Kind regards,
Oliver

OFFICIAL

From: Minister HOLLINRAKE (DBT) [GRO]
Sent: Friday, January 5, 2024 4:18 PM
To: Will Mosseri-Marlio [GRO]; Rob BRIGHTWELL (DBT)
[GRO]; Carl CRESWELL (DBT)
[GRO]
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) [GRO]; Oliver Jones
[GRO]; Nick Park [GRO]; Brooks-White [GRO]
[GRO]
Subject: Re: [12.00 Friday] Update on the Horizon IT scandal

Hi Will, Oliver

Please find attached our return. Apologies for the slight delay in getting this back to you, we've been working at pace to develop a fuller note. The reason for a fuller note is that Minister Hollinrake has been in discussion with the PM, Chancellor and Chief Whip directly since the airing of the ITV Drama.

Minister Hollinrake promised to get them a note on how we could speed up compensation payments for those impacted by the scandal. Minister Hollinrake is keen the PM sees this note and takes a view on the points raised in bullets 1-4 (forgive my limited understanding on how the PM's box works), which we will then share more widely with the Chancellor and the Chief Whip.

The first two pages are the additional drafting we've done beyond your original commission. The last 3 pages cover the questions raised in your original commission.

Please do let us know if you have any further questions.

very best,

Jamie

Jamie Lucas | Deputy Head of Office and Private Secretary to Kevin Hollinrake MP, Minister for Enterprise, Markets and Small Business |

Department for Business and Trade | Old Admiralty Building | London SW1A 2DY |
Tel: [GRO]

From: Will Mosseri-Marlio [GRO]
Sent: 04 January 2024 09:37
To: Rob BRIGHTWELL (DBT) [GRO]; Carl CRESWELL (DBT)
[GRO]
Cc: Secretary Of State INTERNATIONAL TRADE (DBT) [GRO]; npark
[GRO]; Minister HOLLINRAKE (DBT) [GRO]; Oliver Jones
[GRO]
Subject: [12.00 Friday] Update on the Horizon IT scandal

Rob, Carl,

Happy new year. I hope you enjoyed the Christmas break.

Given the recent coverage, I wanted to share an update with some of the political team in no10 regarding the horizon IT scandal. Specifically, I want to cover off:

1. A bit of history regarding the scandal itself and the different cohorts of those affected.
2. What the government has done to address the scandal to date.
3. Actions over the course of the next 12 months (e.g. Post Office compensation bill; Wyn Inquiry response etc)

Would it be possible to pull something together by **12.00 tomorrow** please? We're just looking for a bit of background (no more than 3 pages), so this should just be a repackaging exercise.

Thanks so much in advance – and please do drop me a line if you have any questions.

Will

Will Mosseri-Marlio | Policy Unit | Prime Minister's Office | 10 Downing Street

GRO

GRO

GRO

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